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ABSTRACT

This document describes the basis, proposals, methodology, and informational analyses of a study on the resolutions and mandates enacted by of the United Nations system which have a special concern for the legal situation of women in Latin America and the Caribbean. It includes both resolutions (conventions) which constitute international legislation, and those resolutions and mandates which merely orient the actions of governments. Specific aspects of the legal situation of women which go beyond the limit of this study are proposed for future considerations and research. Recommendations call for the dissemination of information, research and review among the United Nations member states in general and the governments of the region in particular on the legal status of women, and actions designed to promote the legal equality of women according to principles contained in resolutions and mandates emanating from the United Nations system. Notes and a three-page bibliography are provided. (SY)

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THE LEGAL SITUATION OF WOMEN IN LATIN AMERICA AND THE CARIBBEAN DEFINED ACCORDING TO THE RESOLUTIONS AND MANDATES OF THE UNITED NATIONS SYSTEM

Volume I

(Basis, proposals, methodology and information analysis)

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CONTENTS

Page

INTRODUCTION 1

Part A - BASIS, PROPOSALS AND METHODOLOGY 3

1. Basis 3

2. Proposals 5

3. Methodology 6

Part B - ANALYSIS OF THE INFORMATION 8

I. INTRODUCTION 8

II. THE LEGAL SITUATION OF WOMEN IN LATIN AMERICA AND THE CARIBBEAN DEFINED ACCORDING TO THE RESOLUTIONS AND MANDATES ARISING FROM THE UNITED NATIONS SYSTEM 9

III. SPECIFIC ASPECTS OF THE LEGAL SITUATION OF WOMEN AND FUTURE CONSIDERATIONS 17

A. The importance granted to the legal situation of women within the action plans concerning women at the world and regional levels 17

B. The fields of law which are unevolved at the international level and could give rise to future conventions, resolutions and recommendations 18

C. Level at which the body of laws emanating from the United Nations in connection with the legal situation of women is reflected and implemented in national legislation 19

D. The degree to which the body of legislation produced by the United Nations on the legal situation of women reproduces or furthers national legislation 21

E. The imbalance between the international instruments and the legal and social condition of women and levels of awareness of this problem 22

IV. RECOMMENDATIONS 23

Notes 24

BIBLIOGRAPHY 27

/INTRODUCTION

INTRODUCTION

The present study has been prepared by the Unit for the Integration of Women in Development of the Economic Commission for Latin America (ECLA), in conformity with the Regional Plan of Action for the Integration of Women into Latin American Economic and Social Development (RPA), which was approved at the first regional conference on the topic held at Havana, Cuba, in July 1977. In the relevant portion the RPA states that, "The Secretariat of CEPAL will create within CEPAL (including ILPES and CELADE and in collaboration with the United Nations Centre for Social Development and Humanitarian Affairs) a specialized interdisciplinary unit on women's integration in development with the following objectives: (i) to periodically evaluate the legal, economic, political, social and cultural status of women both of rural and urban areas...".1/ The RPA also states that "Legislation, insofar as it affects women, impedes their integration into development; while it is true that legislative measures are not in themselves sufficient to ensure women's equality, the elimination of all discriminatory criteria opens the way to equality".2/ The present report has been prepared within this theoretic framework and also provides continuity with former ECLA documents,3/ which contain compilations of the resolutions and mandates concerning the situation of women in the region during the periods 1975-1978 and 1979-1980.

This document examines the resolutions and mandates which have been enacted by bodies of the United Nations system which have had a special concern for the legal situation of women in Latin America and the Caribbean. It includes both resolutions (conventions) which constitute international legislation and those resolutions and mandates which merely orient the actions of governments. The report is divided into two volumes; the first is of a general nature and describes the basis, proposals and methodology of the study and analyses the information, for the purpose of indicating trends, relationships and recommendations. The second volume is a list of the information. The indexing and analysis processes were carried out on the basis of a model classifying the information according to the two following criteria: type of measure, forum or body which produced it, period, type of legislation, theoretical framework and operative context of the measure. A compilation was made, covering the period 1946-1982, of agreements and conventions, recommendations, resolutions, declarations of principle and lines of action of world and regional plans concerning women, which together constitute a set of measures at different normative levels which refer in some way to the legal situation of women.

Two main periods were determined: 1946-1974 and 1975-1982, taking the International Women's Year, 1975, as mid-point. The following world and regional fora were included: United Nations General Assembly, Economic and Social Council, International Labour Office (ILO), United Nations Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Conference on Women (1975), World Conference on Women (1980), International Conference on Human Rights (1968), First and Second Regional Conference on the Integration of Women into the Economic and Social Development of Latin America (1977 and 1979).

The process of systematizing the information was carried out at three levels: partial analysis of each one of the bodies included; comprehensive analysis of the international legislation and resolutions and mandates which, although they do not constitute legislation, refer to the legal situation of women (according to type

/of legislation

of legislation and period); and, in the last place, comparison of this body of legislation with national legislation, the social situation and the awareness of the problem of women in the region.

The study may be used as a theoretical framework for future analysis of the legal status of women in the region according to the different national bodies of legislation, and for establishing comparisons between national and international legislation (mandatory or not) produced by the United Nations system. Furthermore, since law and policies are part of the same continuum, the legislative elements contributed by the study could serve as a basis for social policies designed to improve the situation of women and to make them more equal in the legal, social, political and economic spheres. Finally, the study is a contribution to the dissemination of the most important legal principles outlined in the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly on 18 December 1979 (A/34/180), which entered into force on 3 September 1981.

Part A

BASIS, PROPOSALS AND METHODOLOGY

1. Basis

The basis for the present study has two closely related aspects: (a) the status of social and economic discrimination held by women in the region, and (b) the current state of the national bodies of legislation which have not eliminated such discrimination. With regard to the first aspect, it may be stated that, with due recognition for the achievements gained under the United Nations Decade for Women, Latin American and Caribbean women are continuing to be discriminated against, which is revealed by their low level of participation in politics, labour activities and education.

There still exists the ideological and social scheme according to which men are assigned tasks in the "public" area, while women accept and execute the tasks characteristic of the "private" sphere. This scheme, in which relations of subordination persist, limits women's opportunities to participate in a wider sphere, which could apparently not be considered appropriate to the survival of the family and society in their current forms.

The situation of the majority of the women in the region in the education and employment fields does not appear to have improved very substantially. According to the evaluation of the World Conference of the United Nations Decade for Women, the number of illiterate women has increased, and despite the progress made in the majority of countries in the number of women enrolled in primary, secondary and higher education, only in the upper and middle socioeconomic strata have women been able to improve considerably their educational opportunities. Furthermore, the stereotyped schemes according to which some careers are "feminine" and some "masculine" still exist, as do substantial qualitative differences in education between rural and urban areas, and between private and public education.4/

With regard to employment, the mid-decade evaluation already noted pointed out the growing number of women who are being forced into unemployment or forced to seek employment outside of the structured sectors of the economy, in the informal urban sector and in subsistence agriculture and artisanry. Many women have also been affected by the growing phenomenon occurring in the region and specificially in the Caribbean, Mexico and Central America, of the "expansion of the 'sub-contracting' industries, which consist mainly of transnational industries (textile, electronic and clothing industries) which require a large labour input. These businesses transfer part of their production to bordering countries (the case of Mexico) where they find legislation favourable to them and an abundance of female manual workers without a high level of skill or labour organization, so that working conditions are quite discriminatory; the women do not have social security and preferably only single women without children are employed".5/

Within the framework of the world economic crisis, it may be concluded that, with respect to both education and employment, although the situation of the great majority of women in the region has been improved in some aspects, especially for

/the least

the least unfavoured groups, it has generally worsened, "a result of the current structural breakdowns in the modalities of development in the region".6/

With regard to the current state of legislation in Latin America and the Caribbean, the majority of countries acknowledge equality of political rights between men and women (citizenship, right to vote). The evaluation of the first half of the decade recognized that "The review of legislative enactments and provisions reveals that a significant number of governments reported new constitutions and legislative provisions which guarantee or promote equal rights of women and men".7/

Bodies of legislation, however, still contain various forms of discrimination. One of the critical points is legislation on the family and the rights of married women, since the legal capacity of women to administrate their own property and that of the marriage, is generally limited, as is the exercise of parental authority and legal guardianship of the children in cases where the couple is separated. On the other hand, legislative measures have not been accompanied in all cases by appropriate measures and mechanisms for implementation.

The de jure and de facto situations of discrimination experienced by women have various causes arising from social, economic and political differences and from long-standing attitudes, practices and traditions. Although legislative measures are not in themselves considered sufficient to ensure women's equality,8/ they are at least thought to create more favourable conditions for eliminating discrimination which has been sanctioned by the law. On the basis of the RPA, two fields of action were defined as preliminary steps towards the adoption of the relevant legislative measures for eliminating discrimination against women.

On the one hand, it was recommended that existing Latin American and Caribbean legislation should be revised and that appropriate measures and mechanisms for implementation should be established; on the other hand, the relevant international instruments should be studied and adapted so that they may effectively contribute to opening the way to equality.9/

With regard to the first field, the report prepared by ECLA for the Second Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean (Macuto, 1979), entitled, Women in Latin America: The situation as regards the implementation of the Regional Plan of Action, states that "It is impossible to evaluate the progress made in the region (in legislative matters) since 1975 on the basis of available information and the governments' replies to the questionnaires sent by the CEPAL Secretariat. In most cases they enumerate bodies of legislation prior to the date specified. Only a few countries referred to the elimination of discrimination against women in certain areas and furnished information on the legislative measures and progress actually achieved".10/

During the following period, the second questionnaire to governments, according to the agreements arising from the United Nations integrated reporting system on the status of women,11/ were not carried out, either in respect of the Second Regional Conference or the World Conference of the Decade (1980), for which reason it was not possible to obtain information from countries by that method. Furthermore, there is still no regional information system 12/ which would provide the ECLA Secretariat with up-to-date information on changes in national legal instruments in order to examine and evaluate the application of the RPA.

/Consequently, up-

Consequently, up-to-date revisions of Latin American and Caribbean legislation are still pending; they would make possible a comparative study of similarities, differences and levels of development, and possible breaks between theory and practice.

The present study relates to the compilation and analysis of international legislation on women and/or resolutions and mandates of the United Nations system which, although they do not constitute legislation, mention the legal situation of women and the adoption of legislative, judicial and administrative measures. It is hoped that the study will become a sphere of reference for research on national legislation, by showing the achievements, trends, projections and incomplete aspects of the legislation and proposals for legislative measures emanating from the United Nations system.

2. Proposals

On the basis of the data noted above, the following objectives for the work were established:

(a) To compile international legislation on women and those resolutions and mandates emanating from the United Nations system which, although they do not constitute legislation, refer to the legal situation of women.

(b) To analyse this information for the purpose of pointing out trends and connections, both those inside the body of legislation itself and its links with the legal and social reality of women in Latin America and the Caribbean.

(c) To prepare a diagnostic analysis of the international instruments being produced from 1946 to the present within the United Nations system, so as to estimate

- the achievements, trends, projections, incomplete aspects and limitations of the instruments;
- the level at which the instruments are reflected in national bodies of legislation: level of ratification of conventions and capacity of the remaining international mandates and resolutions to orient the actions of governments; and
- relationship to the social situation of the women in the region.

It is important to point out that those objectives which suggest contextual analyses are beyond the possibilities of this study; however, a first effort has been made in this direction for the purpose of demonstrating their importance and indicating a few concerns which, in the future, can become areas of research in comparative law.

For operational purposes, the subject of the study has been defined in the following terms:

(a) Resolutions which constitute international legislation on women

Set of international conventions and agreements enacted by the United Nations General Assembly and specialized agencies (ILO, UNESCO, etc.). These constitute agreements which, if they are ratified, create legal obligations for the State.

(b) Resolutions and mandates arising from the United Nations system which, although they do not constitute legislation, refer to legislative measures relating to the situation of women

All the resolutions and mandates which, although they do not constitute legislation, refer to legislative measures and are submitted to national authorities without creating legal obligations; they are basically designed to orient

/action in

action in the national sphere. These resolutions and mandates may give rise to the study, revision, modification or enactment of a piece of national legislation or to the ratification or carrying out of international instruments.

Consequently, the following measures arising from the United Nations system were compiled and analysed: international conventions and agreements, recommendations, resolutions as such, declarations of principle and guidelines of world and regional plans. The measures differed in the level of obligatoriness they established for the member States and in the type of forum from which they had arisen. The following were among the fora involved:

General Assembly (sessions)
Economic and Social Council (sessions)
Commission on the Status of Women (sessions)
ILO (conventions, recommendations, general conferences)
FAO (general conferences)
UNESCO (conventions, general conferences)
World conferences on women (1975 and 1980)
Regional conferences on women in Latin America and the Caribbean (1977 and 1979)
International Conference on Human Rights (1968).

The following were excluded: the Inter-American Commission on Women of the Organization of American States (OAS), since it is not part of the United Nations system, and the technical meetings and regional seminars on women sponsored by the United Nations, since their recommendations and conclusions do not have the status of mandates. However, the reports produced by these meetings and those made by working groups were consulted for reference purposes.

The study covers the period from the end of 1946 through the present, and two main periods have been determined: 1946-1974 and 1975-1982, taking the International Women's Year (1975) as mid-point. This decision was based both on the new position acquired by the question of women from that date onwards and on the large amount of work being generated on this question in the United Nations and member States.

3. Methodology

The methodology of the study has been partially described above with respect to determining the objectives and putting them into operation. With regard to the compilation and analysis of the information, the methodology applied will be described in this section.

It was essential to prepare a set of initial questions for data collection and subsequent analysis. For example, it was important to find out the number of different fora from which legal instruments referring to women had arisen, and to which sphere the problems of women corresponded in relation to the entire set of social and cultural problems dealt with by the United Nations.

It was also important to learn to what extent the international instruments duplicated or furthered the national legislation of the countries of the region, for the purpose of determining the social importance of these instruments in relation to the legal and social situation of women. This method of approaching the

/problem made

problem made it possible not only to describe the body of legislation produced by the United Nations system, but also to indicate a few of the reasons for its particular features and estimate the social relevance of these provisions for the regions of Latin America and the Caribbean.

On the basis of these questions, the information was compiled through the information services of ECLA, ILO, FAO, UNESCO, and the Documentation Centre of the Educational Development Research Centre (CIDE) and the Women's Studies Circle (Círculo de Estudios de la Mujer).

The following information sources were consulted:

* General Assembly: Collection of resolutions from 1946 to 1982.
* Economic and Social Council: Collection of resolutions from 1946 to 1982.
* Commission on the Status of Women: Collection of resolutions, discussions and draft resolutions transmitted to the Economic and Social Council from its creation to 1982.
* International Labour Organisation (ILO): Collection of conventions, recommendations and resolutions from 1919 to 1982.
* United Nations Food and Agriculture Organization (FAO): Collection of general conferences from 1974 to 1982.
* United Nations Educational, Social and Cultural Organization (UNESCO): Collection of general conferences from 1960 to 1982; Convention against Discrimination in Education; resolutions and questionnaire on this Convention.
* Human Rights Covenants, 1966.
* Universal Declaration of Human Rights, 1948.
* International Conference on Human Rights, 1968.
* World Conference of the International Women's Year, 1975.
* World Conference of the United Nations Decade for Women: Equality, Development and Peace, 1980.
* First Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, 1977.
* Second Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, 1979.

Reports on regional seminars, reports prepared for world conferences, ECLA reports on the situation of women in the region and the ECLA specialized bibliography were also consulted.

In view of the quantity of the information compiled and the need for classifying it by forum, type of legislation, type of measure, reference to the legal situation of women and other criteria, it was decided to separate the work into two volumes. The first would contain the bases, proposals, methodology and analysis of the information, the second, the compiled information, that is, the body of legislation as such.

/Part B

Part B

ANALYSIS OF THE INFORMATION

I. INTRODUCTION

This part of the study will analyse the legal situation of women in Latin America and the Caribbean on the basis of the information contained in the resolutions and mandates of the United Nations system.

In the first place, a comprehensive diagnosis will be made of the body of legislation being formed in the United Nations in relation to the legal situation of women, differentiating the types of resolutions and mandates encountered: resolutions which constitute international legislation, resolutions which do not constitute international legislation and mandates at the action level. The first are conventions and create obligations on the part of the signatory States; the second are limited to proclaiming rights and orienting the actions of governments; finally, the mandates are proposals designed to orient action (plans, programmes). The diagnosis has been carried out taking account of the forum from which the resolution or mandate originated, that is, if the forum is a permanent body (General Assembly and Economic and Social Council); functional commissions; specialized agencies; fora created in order to promote the situation of women, such as the World and Latin American and Caribbean Regional Conferences; and world conferences on questions other than that of the situation of women, but which deal with the topic in connection with their main purpose (International Conference on Human Rights (1968)).

The diagnosis of the international instruments was oriented towards indicating general trends, proclaimed rights, rights given practical expression in conventions, and topics and fields which have not been dealt with or which have been insufficiently treated.

In the second place, the diagnosis of the body of laws produced by the United Nations on the legal situation of women came up against a series of contextual factors, such as the definition given to the problem of women in general within the system; the position and relevance achieved by the question of women in relation to other social, cultural and economic topics; the critical areas in national bodies of legislation and the fields they do not explore, and the degree of implementation of international instruments at the country level.

This second level of analysis helps provide a preliminary determination of the following aspects: the focus adopted for treatment of the question of women in general, especially its legal aspects; the level of reflection of international legislation and orienting measures in national bodies of legislation; the degree to which this body of laws reproduces national legislation or furthers it in terms of improving the situation of women; the degree to which it responds to the critical areas, or areas which have not been considered, in national bodies of legislation; and the imbalance between international instruments and the legal and social situation of women in Latin America and the Caribbean.

This second level of analysis goes beyond the objectives of the present report; it will be presented so as to indicate questions and possible fields of research in comparative law which should be treated in future studies.

A diagnosis of the United Nations body of legislation on the situation of women should, among other things:

/(a) Determine

(a) Determine the achievements and limitations of this body of legislation.

(b) Establish links with national legislation and the social situation of women.

(c) Generate a few recommendations to governments, United Nations bodies and agencies, non-governmental organizations, and women, in order to facilitate the following: (i) create a more solid link between international and national legislation in terms of ratifications, accessions, orientations, diffusion and implementation; (ii) develop, at the level of international and domestic law, the aspects insufficiently treated in the international body of legislation and the areas, whether critical or not, developed in national legislation; (iii) provide a basis for urgent legislative measures in studies on the social and economic needs of women in Latin America and the Caribbean making it possible to determine their de facto and de jure situation; (iv) integrate the legislative measures into strategies, policies and plans oriented towards promoting the egalitarian participation of women.

II. THE LEGAL SITUATION OF WOMEN IN LATIN AMERICA AND THE CARIBBEAN DEFINED ACCORDING TO THE RESOLUTIONS AND MANDATES ARISING FROM THE UNITED NATIONS SYSTEM

The United Nations is committed to attaining equality of rights between men and women, the integration of women into social and economic development and their participation in the stuggle for peace and against all forms of racism, colonialism and foreign domination. The system has therefore devoted itself to securing the universal recognition of the rights of women before the law and to guaranteeing the full exercise of those rights.

Concern for women's rights has a long history within the Organization. Both the Charter of the United Nations and the Universal Declaration of Human Rights proclaimed equality of rights of all human beings, and article 2 of the Declaration states: "Everyone is entitled to all the rights and freedom set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

Most of the resolutions approved by the different bodies and agencies of the United Nations system, from its creation through 1970, referred in their clauses to the Charter and the Universal Declaration of Human Rights, and to the conventions and resolutions on slavery, racial discrimination, and religious intolerance. These resolutions were based on violations of fundamental human rights, and discrimination against women was considered to be an offense against the respect and dignity of the human person.

During the first twenty years of the Organization the problem of women falls within this view. During that period, from 1946 to 1970 approximately, there was a concern for the situation of women, although it held a marginal position compared with other topics of higher priority, such as the abolition of slavery, racial discrimination, the needs of the survivors of the Second World War and the problems represented by the colonized territories and peoples, among others.

That concern for the situation of women, treated as one of the social, cultural, and humanitarian questions of the system, found its highest expression in the promotion of a series of women's rights during the period in question. The rights proclaimed were the following: the right to suffrage and the right to be

/elected and

elected and have access to public office; the right of the married woman to keep, acquire or change her nationality; the right to equal opportunity and treatment in work and to equal pay for equal work; maternity protection and protection against night work and underground work and other occupations which are dangerous to health; the right to education without discrimination in the area of education; the right to a minimum age for marriage and free consent to marriage; the abolition of ancient practices (such as ritual operations) and laws which cancelled women's basic rights; the right of married women to administer property, exercise an independent profession and have an independent residence; the right not to be subjected to discrimination in penal matters; the right of working women to free association, paid educational leave, equality in social security and travel in search of employment, etc.

The creation in 1946 of a functional sub-commission of the Economic and Social Council (subsequently converted into a commission), for dealing with the situation of women marks the beginning of the process through which the examination of this issue begins to acquire specificity and relevance within the system. When the Commission on the Status of Women was established, with its mandate of reporting to the Commission on Human Rights, the Economic and Social Council was beginning to show special concern for women and devote special efforts to them, although those efforts were limited to the legal sphere.

The specific mandates of the Commission were designed to improve the social and legal condition of women with respect to nationality, race, language and religion and to place them at a level of equality with men in all fields of human endeavour, eliminating all discrimination in the legislation of the member States, in respect of political, civil, labour, education, social and economic rights. The work of the Commission, conducted through its biennial sessions, produced, if not all, the great majority of the measures designed to improve the legal situation of women. These measures, submitted as draft resolution to the Economic and Social Council by the Commission, were subsequently approved by the General Assembly, which in turn added some topics to them and requested the specialized agencies (ILO, FAO, UNESCO), to collaborate on the question of women when it felt this to be necessary.13/

The majority of the rights proclaimed during this stage were based on conventions and agreements, that is, international instruments which impose legal obligations on the States which have ratified or acceded to them.

Many of these rights were promoted through 28 conventions and agreements arising from three fora: the General Assembly, the ILO and UNESCO. The 28 conventions and agreements may be divided into two groups, focal and non-focal, according to whether women have been the central topic of the convention or agreement or whether they were part of other topics or groups.

Those which focused on women were the following, in chronological order:

(1) ILO, Convention No. 3 (1919), Maternity Protection.
(2) ILO, Convention No. 4 (1919), Night Work (Women).
(3) ILO, Convention No. 41 (1934), Night Work (Women).
(This convention was superseded by Convention No. 89.)
(4) ILO, Convention No. 45 (1935), Underground Work (Women).
(5) General Assembly, resolution 126 (II) (1947), Transfer to the United Nations of the Functions and Powers Exercised by the League of Nations under the International Convention of 30 September 1921 on Traffic in Women and Children; the Convention of 11 October 1933 on Traffic in Women of Full Age, and the Convention of 12 September 1923 on Traffic in Obscene Publications.

/(6) ILO,

(6) ILO, Convention No. 89 (1948), Night Work (Women).
(7) General Assembly, resolution 317 (IV) (1949), Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.
(8) ILO, Convention No. 100 (1951), Equal Remuneration.
(9) ILO, Convention No. 103 (1952), Maternity Protection.
(10) General Assembly, resolution 640 (VII) (1952), Convention on the Political Rights of Women.
(11) General Assembly, resolution 1040 (XI) (1957), Convention on the Nationality of Married Women.
(12) General Assembly, resolution 1763 (XVII) (1962), Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

The remaining 16 conventions and agreements were non-focal, that is, they referred to the situation of women as part of more general topics. Among them the following should be mentioned: Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery;14/ UNESCO Convention against Discrimination in Education (1960); and a group of ILO conventions and agreements which went from general topics, such as the elimination of all discrimination in employment and occupation, social and employment policies and social security to specific topics such as pensions, work on plantations, and dangerous working conditions. (ILO Conventions Nos. 13, 81, 87, 97, 102, 110, 111, 117, 122, 127, 128, 136 and 140.) The instruments in the second group had a common feature in that discrimination against women was indicated as part of a set of discriminations, on the basis of sex, religion, race, nationality and political opinion, or, in that women were merely a subgroup within the entire group affected by the convention; for example, women within a convention intended for plantation workers, women within a convention on social security intended for all workers, etc.

Besides the above-mentioned classification of focal and non-focal conventions and agreements, two other categories were established for the instruments: those which protected women (protective legislation) and those which promoted women (promotional legislation).

In accordance with the preceding categories, it may be observed that during this period, protective legislation was predominant, since there were 15 conventions of this type out of a total of 28, or 54%; while promotional legislation constituted 46% (13 conventions out of 28). Similarly, non-focal legislation prevailed over that specifically directed towards women (57% and 43%, respectively). Even more important is the fact that of the 13 promotional agreements, 69% were directed towards promoting "equality" of rights between men and women, that is, they were not specifically directed towards improving the legal situation of women.

However, it should be pointed out that, even with the limitations noted above, the promotional agreements of this period caused legal instruments of vital importance for the improvement of the situation of women, both in terms of rights and with regard to social and economic life, to be elaborated and enter into force. The Convention on the Political Rights of Women (1952), the Convention on the Nationality of Married Women (1957) and the Convention and Recommendation on Consent to Marriage; Minimum Age for Marriage and Registration of Marriages (1962), enacted by the General Assembly; the ILO Equal Remuneration Convention (1951); and the UNESCO Convention Against Discrimination in Education (1960), constituted an important part of the legal and social base which was beginning to appear within the United Nations system for the improvement and promotion of women.

/In summary,

In summary, the majority of the conventions and agreements of the period were protective and non-focal, emphasizing maternity protection, protection from work considered to be dangerous and from the traffic in persons and the exploitation of the prostitution of others. The promotional conventions were oriented towards obtaining more egalitarian conditions for women in the areas of political participation, nationality of married women and marriage, equality in the workplace with respect to wages and the elimination of sex discrimination in education. The importance of labour legislation during this stage is obvious; the ILO played a predominant role in this area, maintaining the policy of protecting the rights of women in the areas of maternity and dangerous work through focal conventions, and of promoting the rights of women in the areas of employment and occupation, professional training, freedom of association, etc., through conventions on behalf of all workers.15/

The other significant fact in the first stage was the proclamation of the Declaration on the Elimination of Discrimination against Women (General Assembly, resolution 2263 (XXII)), since it condensed the set of rights which had been proclaimed during the first twenty years.

The Declaration is a milestone in United Nations work on the promotion of women. When it approved the Declaration, the General Assembly created a single instrument containing all the rights proclaimed for women and reflecting the concerns studies and activities carried out by the Commission on the Legal and Social Status of Women from its creation.

The preamble of the Declaration states that discrimination against women is incompatible with human dignity and with the welfare of the family and of society. The Declaration requests that all measures, including legislative ones, should be adopted in order to guarantee the principle of equal rights of men and women. It proclaims equality of rights in the area of acquiring, changing or retaining nationality and grants women the same rights as men in civil law, and in particular, equality of rights in marriage. It also states that all provisions of penal codes which constitute discrimination against women should be repealed, that measures should be taken to combat prostitution and the traffic in women, and that equal rights in education, free choice of employment and equal remuneration for work of equal value should be ensured to women. The Declaration also makes reference to the need for its principles to be implemented when it states that "Governments, non-governmental organizations and individuals are urged to do all in their power to promote the implementation of the principles contained in this Declaration". (Article 11.)

The Declaration did not create obligations for the member States of the United Nations. The Commission on the Status of Women compiled information on the implementation of the instrument and observed that there was a general trend among the States towards giving effect to the principles laid down in the Declaration.

The Declaration ended a stage in the process begun within the United Nations system in 1945, when the Charter of the United Nations was adopted, re-affirming "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women...".

During the first twenty years, the question of women was examined from the exclusive perspective of making women equal to men in legal terms, discrimination being considered as an offense against human dignity and respect. Practically up to 1975, the situation of women was treated as one of the humanitarian, social and cultural questions which the system generally dealt with through its joint fora.

/From the

From the 1970s onwards, although the resolutions and mandates did not disregard concern for human rights, they situated the problems of women in a new perspective by proposing that women be integrated into development and the struggles for international peace and co-operation.

The objectives of equality, development and peace, which the United Nations established in the mid-1970s, summarized the new principles; that is, equality was possible only within the context of development and peace.

This new focus recognized the need to integrate women fully into development -conceived as a totalizing process, related to all aspects of life- and with struggles for peace, disarmament and the building of a new international economic order. In this way, the definition of the problem of women was transformed and a dynamic-structural focus adopted enabling it to be placed within the social, economic and political context which had created it.

As the process described above was taking place, the question of women was gaining specificity and relevance. Over the years, the analysis of women's rights and condition of discrimination gradually became separated from the general field of human rights and acquired its own dynamic. During the 1970s, and especially in 1975, the topic of women began to occupy a separate and significant position within the United Nations system; the work outlined in the Declaration on the Elimination of Discrimination against Women was continued; the United Nations Decade for Women: Equality, Development and Peace (1975-1985) and the International Women's Year (1975) were proclaimed; specialized bodies 16/ and fora were established for examining the topic, with two world conferences held, and within the sphere of ECLA, two regional conferences; international action plans and programmes were formulated; special programmes and projects were designed and executed; a periodic examination and evaluation was established of the progress and obstacles in the implementation of the mechanisms for the promotion of women, in world, regional and national spheres.

From the 1970s onwards, then, the question of women became the subject of concerted international action, which was clearly expressed in a change of the rights proclaimed and granted in conventions subsequent to 1975.

During the most recent five-year period (1975-1980) political rights were proclaimed in terms of actual participation and association, as a contribution to the process of development and a condition for attaining it, and the formalist scheme laid down by the right to vote of the previous stage was discarded. Similarly, the rights of the family were proclaimed, with special emphasis on the rights of single mothers, the status of persons born out of wedlock, domestic violence and family planning. There was substantial progress in public law with the proclamation of the rights of migrant women, those affected by apartheid, by armed conflicts and by all forms of foreign domination; the rights of displaced, refugee and disappeared women and of women who live in those countries where human rights are constantly being violated.

In the matter of penal law, more specific proposals were made (conditions of detention, for example; Economic and Social Council resolution 1980/41); labour legislation was enacted in respect of social security (resolution 13 of the World Conference of 1975; Economic and Social Council resolution 1980/1) and equality of opportunity and treatment for workers and especially workers with family responsibilities (ILO Convention 156); similarly, equal access to education was reaffirmed.

/The rights

The rights proclaimed during the first half of the United Nations Decade for Women were based on the achievements of the previous stage, but constituted one step further; from the vote to actual political participation; from marriage to the rights of unmarried women and their children; from labour protection to promotion; from attention to basic woman's rights to the rights of groups of women in critical situations closely linked to political and social economic events; from the family as an institution to its internal problems such as domestic violence and family planning; and from equality in education to equality of access to education, including technical training, professional training, adult education and continuing education. However, the majority of the rights proclaimed were not given practical expression in conventions, being limited themselves to providing orientations for governments, in the form of resolutions, recommendations or action plans.

In this period six conventions were approved, one by the General Assembly and the five remaining ones by the ILO; only one of these conventions is intended exclusively for women, Convention No. 156, of 1981, on Equal Opportunities and Treatment.

The Convention on the Elimination of all Forms of Discrimination against Women, approved by the General Assembly through resolution A/34/180 of 18 December 1979, is a natural and more standardized continuation of the Declaration of the same name approved in 1967. Discrimination is defined as any "distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field" (article 1). The Convention, which contains 30 articles and entered into force on 3 September 1981, promulgates, in legally obligatory form, universally accepted principles and measures for obtaining the enjoyment of equal rights by women everywhere. The instrument urges that discrimination should be eliminated in the various spheres of social life, especially those affecting rural women; it indicates that all types of measures should be adopted, including temporary special measures, aimed at accelerating the de facto equality between men and women, and also contains provisions for modifying the socio-cultural patterns which perpetuate discrimination. The Convention also requests that protective laws should be discontinued once their objectives have been achieved (article 4). The Convention, therefore, is based upon the Declaration of the same name and gives a level of obligatoriness to the rights proclaimed in that instrument. It constitutes the highest achievement by women in terms of concerted rights and is an international instrument designed for promoting the equality of women.

The importance of the Convention is made all the more obvious by the inclusion, among its provisions, of the creation of a Committee on the Elimination of Discrimination against Women, consisting of 23 experts elected by the States parties to the Convention from among their nationals, who serve in their personal capacity (article 17). The basic function of the Committee consists of considering the progress made in the implementation of the Convention, including reports by the States parties on the legislative, judicial, and administrative measures which have been adopted to give effect to its provisions.

Six Latin American and Caribbean countries are represented on the Committee: Cuba, Ecuador, Guyana, Mexico, Panama and Uruguay.

/As previously

As previously stated, six conventions were approved during the period under review, one of which was the Convention on the Elimination of All Forms of Discrimination against Women. The other five conventions were approved by the ILO; all were of the promotional type, but only one focused on women: Convention No. 156, on Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

The Convention applies to all branches of economic activity and all categories of workers with family responsibilities (articles 1 and 2), and is intended to create effective equality between men and women workers, enabling those with family responsibilities to exercise their right to engage in employment without being subject to discrimination and without conflict between their employment and family responsibilities (article 3). The Convention is complemented by ILO Recommendation 165 (1981) of the same name.

Besides Convention No. 156, the ILO approved four others intended for all workers, that is, non-focal with respect to women. They are: Convention No. 151 (1975) on Rural Workers' Organizations; Convention No. 142 (1975) on Human Resources Development; Convention No. 143 (1975) on Migrant Workers; and Convention No. 149 (1977) on Nursing Personnel. These instruments affirm the need for guaranteeing the participation of rural workers by promoting organizations of rural workers, without discrimination of any kind; the need for human resources policies and programmes (vocational guidance and vocational training) to be available to all persons, without any discrimination whatsoever; equality of opportunity and treatment for migrant workers without any distinction whatsoever among them or in relation to other workers; and finally, equality of conditions for nursing personnel with no distinctions among them or in relation to the workers of the country. The ILO conventions of this period are characterized by being of the promotional type and principally oriented towards treating the problems of workers in general, with no distinction by sex.

In summary, during the period which began in the 1970s, six conventions and agreements on women were approved, all of the promotional type; in four of them the question of women is dealt with within agreements referring to men and women. The only two conventions referring specifically to women constitute, in their respective fields, the most important achievements in the legal sphere to have been attained in the United Nations: the Convention on the Elimination of All Forms of Discrimination against Women (1979) and ILO Convention No. 156 on Equality of Opportunities and Treatment between Men and Women Workers: Workers with Family Responsibilities (1981).

Furthermore, the rights elaborated in the conventions of this period encompass all spheres of human activity, with the exception of penal matters; the conventions also reaffirm the rights proclaimed during the preceding period, make them more specific and improve them. It should be pointed out, however, that in the current period, the greatest progress in terms of types of rights and level of specificity are found in the resolutions, recommendations and mandates which do not constitute international legislation, and which are solely directed towards orienting the actions of governments and, in a few cases, of non-governmental organizations.

Among these mandates, recommendations and resolutions, those which treat the following subjects should be mentioned:

(1) Conditions of detention: Economic and Social Council resolution 1980/41.

(2) The family, married women without children, family planning: Economic and Social Council resolution 1942 (LVIII); resolution 17 of the 1975 World Conference; resolution 1 of the 1980 World Conference.

/(3) The

(3) The family, abandonment and violence: resolutions 17 and 5 of the 1980 World Conference.
(4) Women refugees and displaced women: General Assembly resolution 35/135 and resolution 12 of the 1980 World Conference.
(5) Improvement of the status of women in education and in the economic and social fields: General Assembly resolutions 33/134 and 33/184; resolution 24 of the 1975 World Conference; resolution IV of the 1979 FAO World Conference; and UNESCO resolution 13, 1978.
(6) Social security: Economic and Social Council resolution 1980/1; resolution 13 of the 1975 World Conference.
(7) Women in rural areas: General Assembly resolution 3523 (XXX), 1975; Economic and Social Council resolution 1980/1; resolution 21 of the 1975 World Conference; resolution 44 of the 1980 World Conference.
(8) Women's participation in the strengthening of international peace and security: General Assembly resolution 3519 (XXX); Economic and Social Council resolution 1980/36; resolution 29 of the 1975 World Conference; resolution 11 of the 1980 World Conference.
(9) Discrimination based on race: resolution 31 of the 1980 World Conference.
(10) Effects of apartheid on women: Economic and Social Council resolution 1978/33; resolution 3 of the 1975 World Conference; resolution 45 of the 1980 World Conference.
(11) Situation of women in countries where human rights are violated: resolutions 32 and 34 of the 1975 World Conference; resolutions 18 and 19 of the 1980 World Conference.
(12) Political and social participation, integration of women in the development process: resolutions 18 and 20 of the 1975 World Conference; resolution IV of the 1979 FAO World Conference.
(13) Migrant women: resolution 3 of the 1980 World Conference.
(14) Research on population and the integration of women in development: resolution 11 of the 1975 World Conference.
(15) Disappeared women: resolution 23 of the 1980 World Conference.
(16) Prostitution: resolution 7 of the 1975 World Conference; and resolution 43 of the 1980 World Conference.

The fact that there are, during this period, a great many more resolutions which do not constitute international legislation than conventions which do, indicates a possible undeveloped field of rights which could be given practical expression in new conventions in the future.

The proceedings of the United Nations system in connection with the legal situation of women during the last decade, and especially in the last five years, are characterized by having gone beyond fundamental rights and freedoms to propose effective integration and participation together with formal rights, and by focusing on promotion rather than protection of women and orientation of the action of governments rather than generation of international obligations.

The achievements of this time period are the most advanced of the century in terms of women's rights, but many of them lose force when analysed at their level of implementation. The majority of the mandates do not constitute international legislation and the most important conventions have been approved recently, which makes it difficult to determine at this point what their final level of ratification will be.17/

/In summary,

In summary, it may be stated that the period from 1946 to 1981 produced a far-reaching transformation in the set of resolutions and mandates arising from the United Nations system on the legal situation of women. In the first twenty years, the question of women was approached from a liberal and legalistic perspective, in that legislation was considered to be the main factor in eliminating inequalities and discriminations. The legalistic approach was oriented towards women in general and was protective with respect to legal matters. Agreeing upon and proclaiming these rights was effected through conventions emanating from the joint fora of the system, conventions which focused on formal rights, with very limited generation of measures and mechanisms for their implementation and evaluation, and through specific programmes and projects within the organization and at the national level.

From 1970 onwards, and basically since the International Women's Year in 1975, a dynamic focus was adopted, in which the situation of women was approached in terms of integration into development. Legislative measures became subordinate to certain integrated planning strategies which contained, together with legislation -which was at that time also considered to be a planning instrument- the promotion of the association and organization of women, the adoption of continuing education programmes, the development of research programmes, and the adoption of temporary strategies and measures. Within this context, legislative measures were defined as factors facilitating the elimination of discrimination against women, but which could not in themselves provide an answer to the problem. A transition thus took place, from a legalistic position to an integrated system of planning which took into account the structural factors affecting the female population.

III. SPECIFIC ASPECTS OF THE LEGAL SITUATION OF WOMEN AND FUTURE CONSIDERATIONS

The preceding diagnostic analysis of the body of laws produced by the United Nations in connection with the situation of women, and which includes both conventions and resolutions and mandates which do not constitute international legislation, needs to be complemented with the information contained in volume II of the present study, which contains the textual transcription of the resolutions and mandates since 1946, organized by forum and in chronological order.

On the basis of this diagnostic, it is of interest to point out a few aspects which go beyond the limits of this work and which may give rise to future research.

A. The importance granted to the legal situation of women within the action plans concerning women at the world and regional levels

In all these spheres, there is a need indicated for ratifying the international instruments in force; revising and modifying both the international instruments and the national bodies of legislation for the purpose of eliminating discrimination against women. The plans also envisage measures in the following fields of law: political rights; civil law, with special emphasis on family law; public law, in particular with respect to prostitution and drugs; penal law; the economic, social and cultural areas of law. Similarly, reference is made to the elimination of all discrimination against women and to the adoption of measures for improving their legal status, such as governments' transmitting of information on legislation and national mechanisms, studies on international instruments, legal counselling

/programmes for

programmes for women and programmes of education and dissemination of information for the entire population.

B. The fields of law which are unevolved at the international level and could give rise to future conventions, resolutions and recommendations

1. Political rights. Reaffirmation of the effective participation of women in public office, national movements, unions, women's organizations, professional associations, international and other bodies.
2. Family law. Legislation through conventions and resolutions on those aspects which have been disregarded or not sufficiently developed, such as violence in the home, the distribution of domestic work within the family, and administration of property. Reaffirmation of those aspects which continue to be critical areas in national legislation: parental authority, guardianship of children in cases of separation, the legal situation of unmarried mothers.
3. Public law. Legislation through conventions on the protection of women and children during armed conflicts and against all violence as a result of racism, apartheid, colonialism or foreign domination, political or religious differences, especially with respect to women, youths and children who have been tortured or have disappeared; measures for reuniting families and for rehabilitation and socio-cultural integration.
4. Penal law. Legislation through conventions on conditions of detention and protection of pregnant detained women and of children born in prison. The right of the detained woman to an education, and to work and occupy her free time. Elimination of all sex discrimination in the area of penal law. To date there are only a few resolutions of the Economic and Social Council and the Second Regional Conference of ECLA (1979), and one provision in the Declaration on the Elimination of Discrimination against Women (1967).
5. Labour law. Legislation through conventions on special groups of workers:

(a) Elderly workers. To date there is only one ILO recommendation (recommendation No. 162, of 1980) intended for all elderly workers, which proposes equality of opportunity and treatment, protection and preparation for and access to retirement, and recommends that the ILO prepare a convention.

The World Conference of the International Women's Year (1975), in its resolution 13 on social security, states that in this connection, particular consideration and special studies should be devoted to elderly women. Furthermore, the 1980 World Conference dealt with this theme in its resolution 4, requesting that special attention should be given to the problem of elderly women, data should be collected and that a comparative study on the social security of elderly women should be prepared, together with other provisions connected with the World Assembly on Aging (1982). It also recommends that, on the basis of the studies, the General Assembly should elaborate a convention or resolutions on social security and full participation in social life by elderly women, so that these concerns will not be confined to age-group programmes, which are highly discriminatory.

(b) Women domestic workers and salaried workers working in the home. In neither case are there conventions regulating the work, for which reason it appears necessary to elaborate conventions on this type of women worker, especially those working in developing countries with a concentration of industries which employ women workers for work in their own homes (textile, leather and footwear), with no legal protection whatsoever.

/(c) Rural

(c) Rural women workers. For this group, effect should be given to the resolutions and recommendations in force designed to encourage the extension of the international conventions, especially the labour conventions, to the rural sector.

(d) Young women workers. It would also appear necessary to enact legislation for this group of workers, through provisions promoting equality of access, opportunities and treatment.

C. Level at which the body of laws emanating from the United Nations in connection with the legal situation of women is reflected and implemented in national legislation

One indicator of this level of reflection is constituted by the degree of ratification or accession to the conventions, which, nevertheless, does not provide data on the level of implementation of the norm or the extent to which the recommendations and resolutions actually orient governments' actions. This is an area which merits an up-to-date study, following research on the legal situation prevailing in the countries.

With regard to the level of ratification or accession, the following data exist concerning some of the conventions:

(1) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).
States parties: 53
Countries of the region: Argentina, Brazil, Cuba, Ecuador, Haiti, Mexico, Venezuela.

(2) ILO Convention 100, Equal Remuneration Convention (1951).
State parties: 94
Countries of the region: Argentina, Brazil, Colombia, Cuba, Chile, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru.

(3) Convention on the Political Rights of Women (1952).
States parties: 90
Countries of the region: Argentina, Bahamas, Barbados, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Trinidad and Tobago.

(4) Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956).
State parties: 96
Countries of the region: Argentina, Bahamas, Barbados, Brazil, Cuba, Ecuador, Haiti, Jamaica, Mexico, St. Vincent and the Grenadines, Suriname, Trinidad and Tobago.

(5) Convention on the Nationality of Married Women (1957).
States parties: 54
Countries of the region: Argentina, Bahamas, Barbados, Brazil, Cuba, Dominican Republic, Ecuador, Guatemala, Jamaica, Mexico and Trinidad and Tobago.

/(6) ILO

(6) ILO Recommendation No. 111, Discrimination (Employment and Occupation) Recommendation (1958).
States parties: 96
Countries of the region: Argentina, Brazil, Colombia, Cuba, Chile, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago and Venezuela.

(7) UNESCO Convention against Discrimination in Education (1960).
States parties: 62
Countries of the region: Argentina, Brazil, Cuba, Chile, Panama, Peru and Venezuela.

(8) Convention and Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962).
States parties: 31
Countries of the region: Argentina, Barbados, Brazil, Cuba, Dominican Republic and Trinidad and Tobago.

(9) Convention on the Elimination of All Forms of Discrimination against Women (1979).
States parties: 39
Countries of the region: Barbados, Colombia, Cuba, Dominica, Ecuador, El Salvador, Guyana, Haiti, Mexico, Nicaragua, Panama, St. Vincent and the Grenadines, Uruguay.18/

Furthermore, out of a total of 151 ILO conventions up to 1 June 1980, addressed to all workers, seven of which refer to women directly and 18 indirectly, the Latin American and Caribbean States have ratified various conventions as indicated below:

Countries	No. of conventions ratified
Argentina	60
Barbados	33
Bolivia	39
Brazil	54
Colombia	45
Costa Rica	33
Cuba	80
Chile	40
Dominican Republic	26
Ecuador	49
El Salvador	4
Guatemala	39
Guyana	28
Haiti	22
Honduras	16
Jamaica	23
Mexico	59
Nicaragua	42
Panama	69
Paraguay	33
Peru	61
Trinidad and Tobago	12
Uruguay	79
Venezuela	26

/The data

The data presented give an indication of the low ratification level of the majority of the countries of the region in respect of international conventions relating to women, and even to labour conventions of a general nature.

Countries with a ratification rate of more than 50%
Cuba (53%) and Uruguay (52%)
Countries with a ratification rate of 40% to 50%
Panama (46%), Argentina (40%) and Peru (40%)
Countries with a ratification rate of 30% to 40%
Mexico (39%), Brazil (36%), Ecuador (32%) and Colombia (30%)
Countries with a ratification rate of 20% to 30%
Nicaragua (28%), Chile (27%), Bolivia (26%), Guatemala (26%), Barbados (22%), Costa Rica (22%) and Paraguay (22%)
Countries with a ratification rate of less than 20%
Guyana (19%), Dominican Republic (17%), Venezuela (17%), Haiti (15%), Jamaica (15%), Honduras (11%), Trinidad and Tobago (8%) and El Salvador (3%).

In connection with this topic and given its crucial importance, it is necessary to: (a) maintain up-to-date information on the level of ratification of conventions referring to women, and also to extend this task to all the conventions of the system; (b) carry out research utilizing the data indicated in item (a) and evaluating the level at which United Nations resolutions and mandates concerning women are reflected in the national legislation of the countries of the region, using as possible indicators the level of ratification, the level of implementation (through collective labour agreements, social and labour situations), and the level at which legislative action by governments is oriented by the resolutions and recommendations of the United Nations system.

D. The degree to which the body of legislation produced by the United Nations on the legal situation of women reproduces or furthers national legislation

This body of legislation does not reproduce national legislation of the countries of the region, but establishes antecedents in statute law for the points which are critical in national legislation and furthers them in the sense that it proposes improvements which the former do not provide. For example, while the majority of national bodies of legislation firmly establish the legal incapacity of married women, the United Nations reaffirms the equality of married women and their full legal capacity. This feature of improving national legislation gives the theory and practice of the United Nations an enormous capacity for effecting change, both in terms of thought and planning.

/E. The

E. The imbalance between the international instruments and the legal and social condition of women and levels of awareness of this problem

Despite the fact that the body of United Nations legislation goes beyond national bodies of legislation, it has not been successful in becoming part of those bodies in order to produce an effective de facto and de jure change in the situation of women in Latin America and the Caribbean. This imbalance is obvious in various spheres of human activity. At the political level, women vote but barely participate in parliament or the judiciary and even less so in national executive powers; there have been only three female chiefs of State in the entire history of Latin America and the Caribbean: in Argentina, Bolivia and Dominica. Women have participated in traditional political parties as a female branch or minor partner in support activities for the most part (only in a few national and labour movements in Latin America and the Caribbean have women become more fully integrated).

In the labour field, and despite international and national legislation, women receive less remuneration than men and do not enjoy equality of opportunities and treatment; they generally perform non-directive duties and are the subject of discrimination for reasons of maternity and child care. In the educational field discrimination against women also persists, and the so-called "female careers" (nursing, social work, all branches of teaching), with a majority of female staff, are one of the forms in which this discrimination is manifested.

Women in the region are continuing to reproduce stereotyped roles in which they are not considered as active subjects of the society in which they live; they study, but are prepared to postpone those studies in the name of marriage; they work in order to complement the salary of their father or husband, without fully assuming their destiny.

Similarly, they are basically dependent in the affective sphere, a situation which is favoured by inadequate legislation, legitimized by law and by a deep-seated tradition of male chauvinism.

Although international legislation may appear utopian in the current stage of development, it undoubtedly constitutes an alternative for change. It should be complemented with effective mechanisms for change, in the countries, which will help women in the region, and especially women in the popular sectors, to achieve full integration into all plans concerning what is to be done with society.

IV. RECOMMENDATIONS

This work is in line with a long tradition within the United Nations system, consisting of systematizing its own actions. It may therefore be viewed in the context of the efforts at compiling and analysing information periodically carried out by the Commission on the Legal and Social Status of Women and by the Subdivision for the Advancement of Women in connection with progress in the legal status of women in the different countries and concerning the level of ratification or accession to the conventions emanating from the United Nations. It also provides continuity with the compilation and systematization work conducted by the ECLA Unit for the Integration of Women in Economic and Social Development. The report can be used as an instrument of dissemination and reflection and as a planning instrument. In the first case it will make it possible to compare and place in perspective the immediate legal reality and in the second will enable the transformation of that reality. The recommendations presented below envisage both of these dimensions.

1. To orient actions designed to promote the legal equality of women according to the following principles, contained in different mandates emanating from the United Nations system:19/

(a) Legislative measures cannot by themselves modify the situation of discrimination against women, but they can facilitate the conditions for eliminating it. Legislative measures should be part of integrated planning and development strategies.

(b) The legal and social situation of women in Latin America and the Caribbean is closely linked with the underdevelopment and structural dependence affecting the region, and the solution of this problem can only materialize within the context of a new international economic order, based on peace, co-operation and self-determination of peoples.

(c) The full integration of women in development is a process in which legal equality is a basic condition; it is a task still to be accomplished, possesses its own legality, and its success does not depend automatically on changes in society at large.

(d) De facto and de jure equality of women necessarily implies equality of duties and responsibilities and women's acceptance of their contribution to the maintenance and well-being of society.

(e) The idea of "integrating women into development" means including women in the creation of new and egalitarian social structures, organized without distinction based on sex, and does not assume women's integration as a minor partner into a world foreign to them.

2. To disseminate among the United Nations member States, permanent bodies, functional commissions and specialized agencies, and among women's associations and non-governmental organizations, all existing information to date on international legislation referring to women, and the United Nations resolutions and mandates which, although they do not constitute legislation, orient the legislative actions of governments.

3. To conduct research on the legal status of women in each of the national bodies of legislation of the countries of the region, for the purpose of elaborating up-to-date diagnostic analyses and a general study in comparative law. In both cases an effort should be made to delve into the rights proclaimed, the omitted or poorly developed aspects, the level of equality attained in the different fields of law (labour, penal, agrarian, etc.) and the differences between the de facto and de jure situations. On the basis of these studies and of the existing diagnosis of

/international legislation

international legislation and related resolutions referring to women, there should be an evaluation of the level at which international legislation and the resolutions and mandates of the United Nations are reflected in the national bodies of legislation of the countries of the region, measured in terms of ratifications, accessions, degree of orientation of actions and level of actual implementation.

4. To propose that the governments of the region should review and modify the national bodies of legislation using the following elements:

(a) Information on international instruments and the United Nations resolutions and mandates referring to the legal situation of women (both the diagnostic analysis and the evaluation of the level of reflection in national bodies of legislation).

(b) Information on the critical points in national bodies of legislation, including the diagnostic analysis of the topic elaborated by ECLA for the Second Conference on the Integration of Women in the Economic and Social Development of Latin America and the Caribbean (1979).20/

(c) Studies on the social, cultural, economic and political needs of women at the national and regional level. On the basis of the above-mentioned information, it is recommended that governments should: (i) compare national legislation with the international instruments to detect differences and similarities, granting priority to the study of poorly developed fields of law or those which legitimize or sanction discrimination; (ii) take legislative measures to end discrimination; (iii) elaborate strategies and integrated programmes for promoting the egalitarian participation of women, in which legislative measures are contained.

5. To recommend that the member States should ratify or accede to all the conventions approved by the United Nations and orient their actions according to the United Nations resolutions and mandates which, although they do not constitute legislation, give legislative guidelines to governments.

6. To request United Nations bodies, specialized agencies and functional commissions to review the international legislation and resolutions and mandates of the system which, although they do not constitute legislation, refer to the legal situation of women in Latin America, for the purpose of:

(a) Eliminating protective laws, above all in labour and civil law;

(b) Seeking the universal ratification of the conventions formulated;

(c) Elaborating conventions, resolutions and mandates relating to rights that have been omitted or poorly developed, both in international and national legislation; and

(d) Formulating the conventions, resolutions and mandates taking into account the following criteria: (i) the need for including certain types of women, especially those who are doubly discriminated against (such as elderly women, women in popular sectors, etc.); and (ii) the advisability of accompanying legislative measures by relevant activities in the spheres of planning, research, evaluation, education and dissemination.

Notes

1/ See ECLA, Regional Plan of Action for the Integration of Women into Latin American Economic and Social Development (RPA), Santiago, Chile, 1977, para. 88 (5), p. 40.

2/ Ibid., para. 17, p. 9.

/3/ See

3/ See ECLA, Women in Latin America: the situation as regards the implementation of the Regional Plan of Action, E/CEPAL/CRM.2/L.2, Santiago, Chile, 1979, section II (F); Resolutions adopted by the General Assembly and the Economic and Social Council concerning the activities of the United Nations system with respect to the social situation of women and their integration in development (Macuto, Venezuela, 12-16 November 1979), E/CEPAL/CRM.2/L.4/Rev.1, Santiago, Chile, 1980; and A selection of resolutions adopted in 1979-1980 on the situation of women and their integration into economic and social development, E/CEPAL/G.1146, Santiago, Chile, January 1981.

4/ See ECLA, Report of the World Conference of the United Nations Decade for Women: Equality, Development and Peace, A/CONF.9/35, Santiago, Chile, 1980; and a preliminary study prepared by the Social Development Division on problems and policies concerning women and the strategy for the 1980s, Santiago, Chile, November 1980.

5/ Preliminary study, ibid., p. 9.

6/ Report of the Fourth Meeting of the Presiding Officers of the Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, E/CEPAL/G.1173, Santiago, Chile, March 1981, chapter III, para. 3.

7/ Report of the World Conference, op. cit., para. 19.

8/ ECLA, Regional Plan of Action ..., op. cit., paras. 17 and 18.

9/ Ibid., paras. 19 and 21.

10/ See ECLA, Women in Latin America ..., op. cit., section II (F). "Legislation and administrative machinery", p. 31.

11/ See General Assembly resolution 33/186, 29 January 1979.

12/ This topic is examined in a document entitled Towards a regional information and communication strategy for women, E/CEPAL/CRM.3/L.6, to be presented at the Third Regional Conference on the Integration of Women into the Economic and Social Development of Latin America and the Caribbean, which gives information on efforts by the Secretariat in the area of information and proposes a regional strategy in that connection.

13/ The case of the ILO deserves separate mention, since this body has been legislating and issuing recommendations on the legal situation of the working woman since 1919.

14/ This convention was adopted by the Conference of Plenipotentiaries convened by the Economic and Social Council through its resolution 608 (XXI) of 30 April 1956, on a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery.

15/ During the following period, 1975-1981, the ILO policy was different, as will be seen later on, since all the conventions aimed exclusively at women were promotional.

16/ Regional commissions were designated as regional focal points for the integration of women; specialized units were established within commissions and other bodies and specialized agencies; the United Nations Voluntary Fund for Women and the International Research and Training Institute for the Advancement of Women (INSTRAW) were created.

17/ As at 30 June 1982, the Convention on the Elimination of All Forms of Discrimination against Women had been signed by 68 States. Of these States, barely 37 had ratified it and 2 had acceded to it, for a total of 39 ratifications and accessions, or 44% of the signatory States.

/18/ The

18/ The General Assembly conventions, as at 1 July 1982, are contained in United Nations, Human Rights: International Instruments. Signatories, ratifications, accessions, etc., 1 July 1982 (ST/HR/4/Rev.4); the ILO conventions, as at 1 July 1980, appear in ILO, Standards and Policy Statements of Special Interest to Women Workers, Adopted under the Auspices of the International Labour Office, Geneva, 1980.

19/ ECLA, Regional Plan of Action ..., op. cit.; Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace (1975); and background and conceptual framework of the Programme of Action for the Second Half of the United Nations Decade for Women: Equality, Development and Peace, 1980.

20/ ECLA, Women in Latin America ..., op. cit., p. 31.

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